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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,216	08/16/2001	Norio Takahashi	ASA-1024	9445

7590 10/22/2004

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ALEXANDRIA, VA 22314

EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/930,216

Applicant(s)


TAKAHASHI ET AL.

Examiner

Arthur Duran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-13 have been examined.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (5,794,207) in view of Kansal (6,647,374).

Claim 1, 2, 3, 10, 11, 12, 13: Walker discloses an electronic commerce method, apparatus, program comprising the steps of:  
in case of inputting a held enterprise ID and article detail information from a selling terminal as article information (Fig. 1; Fig. 2; col 1, lines 14-50; col 9, lines 15-25; col 9, lines 45-50),  
sending said article information to a purchase terminal (Fig. 1; Fig. 5; col 1, lines 14-50; col 9, lines 45-50),  
inputting said article information and transaction information from the purchase terminal as article transaction information and storing said article transaction information (Fig. 5; col 9, lines 48-51).

Walker discloses a central controller managing transactions (Fig. 1; Fig. 2;) and a bonding agency or third party providing reliability or insurance for transactions (Fig. 20; col 7,

lines 13-26) and that the arbitration, mediation, bonding, arbitration functions can be centralized or divided (col 10, lines 8-16; col 10, lines 22-30); the utilization of an escrow account to better guarantee delivery of services (col 9, lines 30-44); and a third party guaranteeing payment (col 8, lines 34-39).

Walker further discloses a varying fee to support the activities of the central controller that can be calculated based upon the goods being sold or the situation presented (col 20, lines 15-30); a third party verifying the seller abilities to provide the goods or services as specified or the buyers abilities to pay as specified (col 27, lines 30-37). Walker further disclose assessing the seller and the seller's ability to provide for the stated goods or services (col 7, lines 65-col 8, line 2).

Walker further discloses a third party guaranteeing the seller and buyers ability to meet the terms of the transaction (col 28, lines 12-18; col 29, lines 10-18); that specific aspects of a transaction are investigated to determine the likelihood of the parties meeting the terms of a transaction (col 13, lines 16-23; col 19, lines 29-45).

Walker further discloses a penalty or damages when either party fails to meet their aspect of an agreement (col 30, lines 40-col 31, line 10).

Walker further discloses a database with seller information, buyer information, offer information, payment history information, transaction information (Fig. 2).

Walker assessing the financial history of a buyer or seller (col 32, lines 20-24) and assessing the credit history, system usage, history of transactions for buyers and sellers (col 13, lines 1-30).

Walker further discloses a calculated intermediation fee (col 20, lines 15-30).

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Note that the varying fee (col 20, lines 15-30) goes to support all activities of the system which includes activities of the central controller which includes both intermediation and indemnity support.

Walker does not explicitly disclose a number or points associated with a transaction that determines the significance of a transaction in terms of buyer or seller reliability history.

Walker does not explicitly disclose varying the fee for a transaction based upon the risk involved in guaranteeing a transaction.

However, Kansal discloses a number or points associated with a transaction that determines the significance of a transaction in terms of buyer or seller reliability history (col 9, lines 14-45; col 6, Table 1; col 11, lines 25-35).

Kansal further discloses varying the fee for a transaction based upon the risk involved in guaranteeing a transaction (col 2, lines 23-40; col 1, lines 19-26; col 7, Table 1, Risk Adjusted Bid).

Kansal further discloses a specifically calculated indemnity fee (col 14, lines 46-47; col 1, lines 17-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Kansal's risk assessment for fee determination to Walker's variable fees for intermediation and guaranteeing transactions. One would have been motivated to do this in order to provide Walker a more efficient, accurate way to assess the cost of guaranteeing a transaction.

Furthermore, since Walker discloses seller driven, exchange driven, and buyer driven systems in the Background of the Invention (col 1, lines 14-65), it would be obvious to one

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skilled in the art that the features of Walker's invention can be applied to a seller driven, exchange driven, or buyer driven systems. One would be motivated to do this in order to utilize the beneficial features of Walker's disclosure that can be applied to a seller driven, exchange driven, or buyer driven system.

Additionally, note that the online Merriam Webster defines 'intermediation' as:  
"the act of coming between : INTERVENTION, MEDIATION",  
and 'indemnity' as:

"a : security against hurt, loss, or damage b : exemption from incurred penalties or liabilities".

Claim 4, 5, 6: Walker and Kansal disclose the method according to claim 1, 2, 3. Walker further discloses:

inputting an article information display request from said purchase terminal; and  
sending, to said purchase terminal, said article information and allocation point information in  
correspondence with said article information (col 9, lines 44-51),  
wherein said purchase terminal displays said article information and said allocation point  
information in correspondence with each other (col 13, lines 16-23; col 19, lines 29-45; col 28,  
lines 12-18; col 29, lines 10-18; Fig. 1; Fig. 2; Fig. 20).

Claim 7, 8, 9: Walker and Kansal disclose the method according to claim 1, 2, 3. Walker further discloses:

inputting a held enterprise ID and a point allocation operation request from the selling terminal;  
and  
sending, to said selling terminal, point information in correspondence with said enterprise ID,  
article information in correspondence with said enterprise ID, and allocation point information,

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wherein said selling terminal displays, on a screen, said point information and said allocation point information in correspondence with said article information, and said method further comprises the step of inputting, from said selling terminal, said article information and allocation point information input to the terminal (col 13, lines 16-23; col 19, lines 29-45; col 28, lines 12-18; col 29, lines 10-18; Fig. 1; Fig. 2; Fig. 20).

### *Conclusion*

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Rebane (6,359,392) discloses rating vendors as to reliability (Fig. 18),
- b. Walker (6,041,308) discloses a central controller, buyer, seller and guaranteed transactions;
- c. Case (5,734,890) discloses assessing risk of transactions;
- d. Ikeda (5,937,391) discloses calculating points in association with transactions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Ans*

2/26/04